

1 THE HONORABLE ROBERT S. LASNIK

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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT SEATTLE

11 PACIFIC SOUND RESOURCES, a Washington
12 non-profit corporation; and THE PORT OF
13 SEATTLE, a Washington municipal corporation;

14 Plaintiffs,

15 v.

16 THE BURLINGTON NORTHERN AND
17 SANTA FE RAILWAY COMPANY, a Delaware
18 corporation; J.H. BAXTER & CO., a California
19 limited partnership; J.H. BAXTER & CO., a
20 California corporation; and J.H. BAXTER & CO.,
21 INC., a California corporation.

22 Defendants.

23 No. C04-1654L

24 **STIPULATION AND ORDER OF
25 DISMISSAL OF ALL CLAIMS WITH
PREJUDICE**

26 [Clerk's Action Required]

27 **STIPULATION**

28 The only remaining plaintiff, Pacific Sound Resources, and the only remaining
defendant, BNSF Railway Company, have resolved all claims asserted in this action between
them. Such agreement has been reduced to writing and signed by each party. The terms of
that agreement having now been fully complied with, dismissal of this action is now
appropriate.

IT IS HEREBY STIPULATED that the above-entitled action be dismissed with
prejudice and without an award of costs or attorneys' fees to either party.

STIPULATION AND ORDER OF DISMISSAL
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1 Dated: March 9, 2009.

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ORDER

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Based on the above stipulation of the parties, it is hereby ORDERED:

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That the claims asserted by plaintiff Pacific Sound Resources and defendant BNSF Railway Company in the captioned matter have been fully settled and compromised, and that such claims shall be and are hereby dismissed with prejudice and without an award of attorneys' fees or costs to either party. This stipulation resolves all remaining issues in this case, which is dismissed in its entirety.

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Dated this 10th day of March, 2009.

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ROBERT S. LASNIK,
United States District Judge

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Presented By:

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STIPULATION AND ORDER OF DISMISSAL
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Approved as to Form and Notice of Presentation Waived:

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